

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL CAIN,

Plaintiff,

v.

FRANK CARROLL and
CITY OF DETROIT,

Defendants.

Case Number 13-10525

Honorable Paul D. Borman

Magistrate Judge Michael J. Hluchaniuk

ORDER WITHDRAWING REFERENCE TO MAGISTRATE JUDGE HLUCHANIUK
AND STAYING AND ADMINISTRATIVELY CLOSING CASE

On July 18, 2013, the City of Detroit filed a voluntary petition for protection under Chapter 9 of the Bankruptcy Code. On July 25, 2013, Judge Steven Rhodes entered an order confirming the automatic stay of all proceedings against the City imposed under section 922 of the Bankruptcy Code upon the filing of the petition. *In re City of Detroit, Michigan*, No. 13-53846 [dkt. #167] (Bankr. E.D. Mich. July 25, 2013). The stay applies to “judicial, administrative, or other action[s] or proceeding[s] against an officer or inhabitant of the City, including the issuance or employment of process, that seeks to enforce a claim against the City.” *Id.* at 3. The present action has been commenced by the plaintiff against the City of Detroit and an officer of the City of Detroit seeking to recover damages by enforcing a claim against the City of Detroit, which by law may be obliged to satisfy a judgment rendered against such officers. Based on those orders, the Court will stay and administratively close this matter.

Accordingly, it is **ORDERED** that the order referring pretrial matters to Magistrate Judge Michael J. Hluchaniuk [dkt. #5] is **VACATED**.

It is further **ORDERED** that proceedings in this case are **STAYED**.

It is further **ORDERED** that this case is **CLOSED** for administrative and statistical purposes without prejudice because the defendant is involved in a bankruptcy case in which a stay of proceedings or an injunction is in effect. This closing does not constitute a decision on the merits.

It is further **ORDERED** that if the bankruptcy stay or the injunction is removed, or a party obtains relief from the stay, then the case may be reopened upon the motion of any party.

It is further **ORDERED** that any party may apply to the bankruptcy court for relief from the automatic stay under 11 U.S.C. § 362(d)-(g).

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: July 31, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 31, 2013.

s/Deborah Tofil
Case Manager